IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 849 OF 2004

Dnyaneshwar Narayan Mulik..... Petitioner.

Versus

Municipal Corporation of the
City of Pune and Ors. .... Respondents.

Mr. V. S. Gokhale for the Petitioner.

None for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : 18TH MARCH, 2005.

P.C.:

The petitioner has challenged the order of the appellate Court upholding the rejection of the injunction application by the trial Court. The petitioner sought a revocation or cancellation of the plan for developing the suit property comprising 82,500 sq. mtrs. bearing Survey No. 16/1 situate at Vadgaon-Sheri, Taluka Haveli, Dist. Pune.

2. The trial Court rejected the application for injunction. The appellate Court has also agreed with

the trial Court observing inter alia that the defendants prepared plans for development and got sanctioned after due consultation with the plaintiff and that it appears that the plaintiff has himself at the time of the submission of plans for sanction signed on the plan. In paragraph 18, the trial Court specifically observed that the initial plan approved by the Collector was submitted under signature of plaintiff. In this view of the matter, the concurrent findings of the courts below that the plaintiff has neither prima facie case nor does the balance of convenience lie in his favour, is not liable to be interfered with. The Plaintiff has also not established that he will be put to irreparable loss if injunction would be refused. It appears that the sale deeds have been executed in favour of 84 purchasers of the flats and on the other hand they would be put to irreparable loss if the injunction is granted. In this view of the matter, there is no merit in this petition, which is hereby dismissed.

3. The trial Court is requested to hear and dispose of the suit as expeditiously as possible.

Sd/-

(**S. A. BOBDE, J.**)